

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

MICHAEL DENNIS ROUSSEL,

Plaintiff,

v.

RICHELLE WALKER, ET AL.,

Defendants.

CIVIL ACTION NO. 5:20-CV-00110-RWS-CMC

§
§
§
§
§
§
§
§
§
§

ORDER

Plaintiff Michael Dennis Roussel, proceeding *pro se*, filed the above-styled and numbered civil action complaining of alleged violations of his constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636. Roussel complains he is in danger from a prison gang called the Aryan Brotherhood and that prison officials are not doing enough to protect him. He sought only injunctive relief, asking that he be placed in safer housing and not put back in general population.

After review of the pleadings, the Magistrate Judge issued a Report recommending the lawsuit be dismissed as moot because Roussel has now been transferred to another unit (Docket No. 14). Roussel received a copy of the Report on January 29, 2021, but filed no objections. *See* Docket No. 19. Accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017).

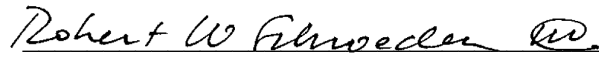
The Court has reviewed the pleadings and the Report of the Magistrate Judge and has determined that the Report is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.),

cert. denied, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the Report and Recommendation of the Magistrate Judge (Docket No. 18) is **ADOPTED** as the opinion of this Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** as moot.

So ORDERED and SIGNED this 5th day of March, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE